

BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, DC 20554

RECEIVED
AUG 31 1998
 FEDERAL COMMUNICATIONS COMMISSION
 OFFICE OF THE SECRETARY

In the Matter of)	
)	
Amendment of Section 73.202(b))	MM Docket No. 98-112
Table of Allotments)	
FM Broadcast Stations)	RM - 9027
(Anniston and Ashland, Alabama)	RM - 9268
College Park, Covington and)	
Milledgeville, Georgia))	

To: Chief, Allocations Branch
 Policy & Rules Division
 Mass Media Bureau

COMMENTS

WNNX License Investment Company ("WNNX"), licensee of Station WHMA(FM), Anniston, Alabama, hereby files Comments in support of Option II, as set forth in the Notice of Proposed Rule Making, ("NPRM"), 13 FCC Rcd 12738 (1998), which proposes the reallocation of Channel 263C from Anniston, Alabama to College Park, Georgia as a Class C3 facility and the modification of the license for Station WHMA, accordingly. In addition, Option II of the NPRM proposes the new allotments of Channel 261C3 Anniston and Channel 264A at Ashland, Alabama. WNNX reiterates its interest in applying for: (1) Channel 263C3 if reallocated to College Park, Georgia; (2) Channel 261C3 if allotted to Anniston, Alabama and Channel 264A if allotted to Ashland, Alabama and to construct each of these facilities upon grant of the respective applications.

In support hereof, WNNX states as follows:

1. The NPRM set forth two options in response to two mutually exclusive petitions for rule making. Preston W. Small ("Small") licensee of Station WLRR(FM), Milledgeville, Georgia proposed the reallocation of Channel 264A from Milledgeville to Covington, Georgia as a Class C3 facility and modification of its license accordingly. That proposal was set forth in Option I of the NPRM. In its petition for rule making, WNNX argued that its College Park proposal should be favored over the conflicting Covington proposal based on the Commission's allotment priorities in Revision of FM Assignment Policies and Procedures 90 FCC 2d 88 (1982). Under the well established priorities a first local service at College Park, Georgia (1990 U.S. Census Pop. 20,457) should be favored over a second local service at Covington (Pop. 10,026). College Park is twice as large (100% more Pop.) than Covington and has no local service. Covington has a local station WGFS(AM) which is authorized to operate full time. WNNX's proposal satisfies Priority 3 while Small's petition falls under Priority 4. WNNX knows of no precedent for favoring a Priority 4 over a Priority 3 proposal particularly where the population difference is so large.

2. College Park is in need of its own local radio station. This need is reflected in College Park's independence as a community with numerous activities and news events which are not now being communicated to its residents. College Park has a local government with nearly 300 full time employees which provides all of the typical municipal services to the community. There are over 800 businesses in College Park, including several major employers -- Hartsfield International Airport, the Federal Aviation Administration's Southwestern Headquarters, the Georgia International Convention Center, Coca-Cola, John Weinland Homes, Hitachi, Air Tran, Valvoline, Sysco Foods, and the Phoenix Office Corporate Park. The petition also set forth numerous other

factors which established College Park's independence and need for its own local radio station to serve the community. College Park is a thriving, significant, and self-sustaining city which does not depend on Atlanta in any sense for its existence.

3. WNNX also demonstrated that a first local service at College Park is more deserving than Anniston (Pop. 26,623) which will continue to be served by four local stations -- WANA(FM), WDNG(AM), WGRW(FM) and WHMA(AM) -- and the proposed Channel 261C3 allotment. In addition, WNNX indicated that there will be a net gain area for the College Park service of 1,691,114 persons. There will also be a gain in service to 11,675 persons now suffering interference from the current overlapping contours of WHMA at Anniston and WUSY(FM), Cleveland, Tennessee due to a grandfathered short spacing relationship.

4. WNNX also demonstrated that the resulting loss area from WHMA's removal from Anniston would continue to be well served. The showing included the potential service to be offered by the new allotments of Channel 261C3 at Anniston and Channel 264A at Ashland. The NPRM has asked WNNX to address this issue by excluding these two channels.

5. In the attached Engineering Statement, WNNX has determined that 93.2% of the population in the loss area will continue to receive at least five full time aural reception services, 96.9% of the population will continue to receive four or more full time services, 99.2% will continue to receive three or more full time stations and 99.995% will continue to receive two or more full time stations.¹ The figures are consistent with other Commission decisions and more favorable than those

1. These figures differ from those offered in the Petition for Rule Making and are more favorable despite excluding the two new allotments because the previous study failed to include several noncommercial educational FM stations.

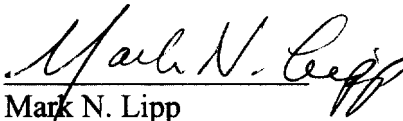
previously approved in Earle, Pocahantas and Wilson, Arkansas and Como and New Albany, Mississippi, 10 FCC Rcd 8270 (1995) and Huntsville and Willis, Texas 10 FCC Rcd 3329 (1995) among others. As those cases recognize, the Commission is more concerned with the Priority 3 service offered by a first local service than the Priority 4 factor of reception service. The only exception would be the existence of unserved areas (Priority 1) which is not present here or underserved areas (Priority 2) to the extent that such lack of service affects more people than the population of the new community because Priorities 2 and 3 are given co-equal weight. The extent of underserved areas affect 34 persons which is de minimus and, in any event, well below the first local service to be offered to College Park, Georgia. See also Huntsville and Willis, Texas, supra.

CONCLUSION

WNNX's proposal to provide a first local service to College Park, Georgia is consistent with all Commission rules and policies and should be favored over a second local service to the smaller community of Covington and over the retention of a fifth local service at Anniston. WNNX offers voluminous information concerning the need for service at and the independence of College Park, a thriving, significant and self-supporting city. The elimination of short spacings to two stations WUSY, Cleveland, Tennessee and WVNA, Tuscumbia, Alabama as well as a large net gain area and two new allotments also supports the adoption of WNNX's petition for rule making.

Respectfully submitted,

WNNX LICENSE INVESTMENT COMPANY

By: 
Mark N. Lipp
Its Counsel

Shook, Hardy & Bacon²
1850 K Street, NW
Suite 900
Washington, DC 20036
(202) 261-2045

August 31, 1998

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2. Please note the change in address for the purpose of service.

TECHNICAL EXHIBIT
IN SUPPORT OF
COMMENTS IN THE NOTICE OF PROPOSED RULE MAKING
IN MM DOCKET NO. 98-112
ANNISTON AND ASHLAND, ALABAMA AND
COLLEGE PARK, COVINGTON AND MILLEDGEVILLE, GEORGIA

Technical Narrative

This technical exhibit has been prepared on behalf of WNNX License Investment Co. ("WNNX"), licensee of WHMA, channel 263C, Anniston, Alabama, in support of comments in the Federal Communications Commission Notice of Proposed Rule Making in MM Docket No. 98-112 (herein "Notice"). The Notice was issued in response to two mutually exclusive petitions for rule making filed by WNNX and Preston W. Small ("Small"), licensee of WLRR, channel 264A, Milledgeville, Georgia.¹ The purpose of this technical exhibit is to provide information concerning the reception services available within the loss area which will be separately served by the allotment of channel 261C3 at Anniston and channel 264A at Ashland. In other words, the reception services analysis did not consider the service rendered by the channel 261C3 allotment at Anniston or the channel 264A allotment at Ashland.

Figure 1 is a map depicting the FM 1 mV/m primary service contour for the authorized WHMA operation on channel 263C at Anniston. Also shown are other aural (AM, FM) services available to the areas within the 1 mV/m

¹ Specifically, WNNX requested the substitution of channel 263C3 for channel 263C and its reallocation to College Park, Georgia, as the community's first local aural service, and the modification of Station WHMA's license accordingly. In addition, WNNX also requested that channel 261C3 be allotted to Anniston and channel 264A to Ashland, Alabama. Small, requested the substitution of channel 264C3 for channel 264A, the reallocation of channel 264C3 from Milledgeville to Covington, Georgia, as the community's second local aural service, and the modification of WLRR's license to specify Covington as its community of license.

contour.² For FM stations the 1 mV/m contour is depicted, and for AM station WSB the 0.5 mV/m contour is shown. For other AM stations, the nighttime-interference-free (NIF). Figure 2 tabulates the AM and FM stations whose contours are shown on Figure 1. Only those FM and AM services necessary to provide at least five (5) fulltime aural services to the loss area have been shown on Figure 1. The letters identify the AM and FM service contours of stations tabulated on Figure 1. Areas receiving less than five fulltime aural services are identified with a number which indicates the number of available aural services.

Figure 3 is a tabulation of the results of the reception service analyses for the loss area with consideration given to the areas and populations which will be separately served by channel 261C3 at Anniston and channel 264A at Ashland. As indicated in Figure 3, 93.2 percent of the population in the WHMA loss area would remain served by at least five full-time aural reception services. Furthermore, 96.9 percent of the population in the loss area would receive four or more full-time reception services, 99.2 percent of the population would receive three or more full-time reception services, and 99.99 percent of the population would receive two or more full-time reception services.³ In addition, the proposal will not create aural "white" area (0 full-time aural reception services) and the gray area (1 full-time aural

²The determination of available reception services was based on the criteria set forth in footnote 1 of the Notice of Proposed Rule Making in MM Docket No. 96-219 (DA 96-1774; adopted October 25, 1996, released November 1, 1996).

³ See paragraph 6 of the Report and Order in MM Docket No. 93-259, DA 95-1690, adopted July 28, 1995, released August 3, 1995 (85 percent of loss area would remain served by at least five full-time services), and Report and Order in MM Docket No. 93-66, DA 95-535, adopted March 17, 1995, released March 28, 1995 (64 percent of loss area would remain served by at least five full-time aural services, 76 percent would continue to receive four or more full-time aural services, 90 percent would continue to receive three or more full-time aural services and 98.2 percent would continue to receive at least two full-time reception services).

reception service) will contain only 34 persons representing 0.005 percent of the total population within the loss area which is believed to be *de minimis*.

Population and Area

The population within each FM primary service contour (1 mV/m) and each gain, loss, reception and interference area was calculated using a computer program that utilizes the 1990 U.S. Census database of "population centroids". The program adds the populations of those U.S. Census designated areas whose centroid was within each service area. The area within each FM primary service contour was calculated using a root mean square algorithm.


W. Jeffrey Reynolds

du Treil, Lundin & Rackley, Inc.
240 North Washington Blvd.
Suite 700
Sarasota, Florida 34236

August 27, 1998

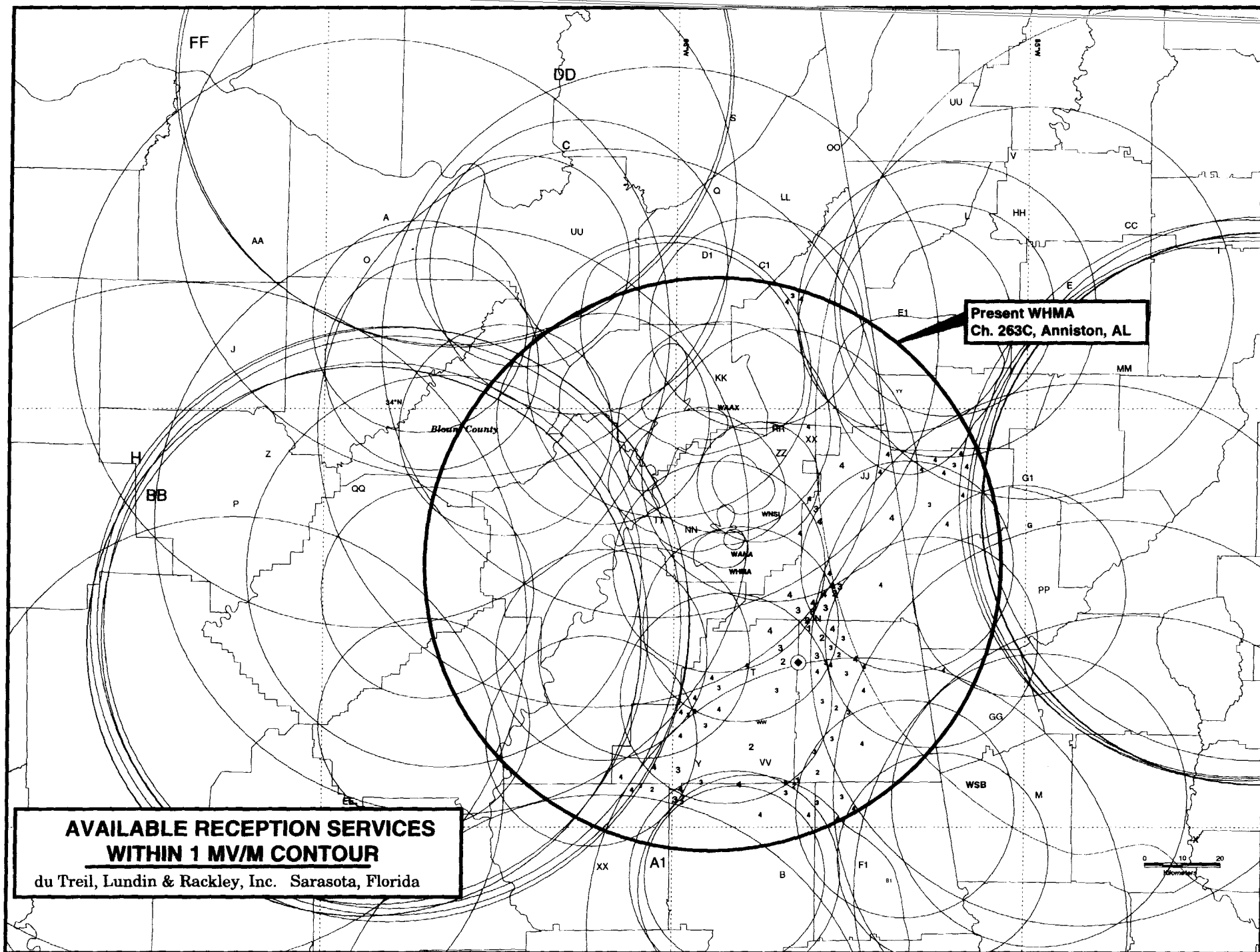


Figure 1

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Radio Stations Considered for
Available Reception Services Analysis to Loss Area

I. FM STATIONS - 1 mV/m Contours

ID	Call Letters	Location	Authorized Facilities
A	WKUL	Cullman, AL	Ch. 221A, 6 kW/100 m
B	WLWI-FM (CP)	Montgomery, AL	Ch. 222C, 100 kW/334 m
	WJCC	Montgomery, AL	Ch. 270C, 100 kW/334 m
	WMKS	Montgomery, AL	Ch. 277C, 100 kW/334 m
C	WCRQ-FM	Arab, AL	Ch. 224A, 0.8 kW/190 m
D	WEYY-FM	Talladega, AL	Ch. 224A, 0.4 kW/265 m
E	WZGC	Atlanta, GA	Ch. 225C1, 99 kW/277 m
F	WGMZ	Glencoe, AL	Ch. 226A, 1.65 kW/189 m
G	WVFJ-FM	Manchester, GA (CP)	Ch 227C1, 27 kW/491 m
H	WDJC-FM	Birmingham, AL	Ch. 229C, 100 kW/307 m
I	WSTR	Smyrna, GA	Ch. 231C, 100 kW/311 m
	WSB-FM	Atlanta, GA	Ch. 253C, 100 kW/311 m
	WVEE	Atlanta, GA	Ch. 277C, 100 kW/311 m
J	WYSF	Birmingham, AL	Ch. 233C, 100 kW/369 m
K	WPCH	Atlanta, GA	Ch. 235C, 100 kW/300 m
	WKLS	Atlanta, GA	Ch. 241C, 100 kW/300 m
	WKHX	Marietta, GA	Ch. 268C, 100 kW/300 m
L	WSRM (CP)	Coosa, GA	Ch. 237A, 3 kW/100 m
M	WRLD-FM	Valley, AL	Ch. 237A, 6 kW/88 m
N	WASZ	Ashland, AL	Ch. 238A, 1.7 kW/188 m
O	WXXR-FM	Holly Pond, AL	Ch. 238A, 3 kW/100 m
P	WBHJ	Tuscaloosa, AL	Ch. 239C1, 100 kW/299 m
Q	WTWX-FM	Guntersville, AL	Ch. 240C3, 10.5 kW/157 m
R	WMJJ	Birmingham, AL	Ch. 243C, 100 kW/313 m
S	WRSA	Decatur, AL	Ch. 245C, 100 kW/308 m
T	WSSY-FM	Talladega, AL	Ch. 248A, 0.91 kW/175 m
U	WKLD	Oneonta, AL	Ch. 249A, 4 kW/80 m
V	WKCX	Rome, GA (CP)	Ch. 249C3, 3.3 kW/241 m
W	WVOK	Oxford, AL	Ch. 250A, 0.28 kW/330 m
X	WZLG	Hogansville, GA	Ch. 251C3, 14.5 kW/100 m
Y	WAWV	Sylacauga, AL	Ch. 252A, 5 kW/252 m
Z	WBHK	Warrior, AL (CP)	Ch. 254C2, 31 kW/189 m
AA	WAHR	Huntsville, AL	Ch. 256C, 100 kW/300 m
BB	WZRR	Birmingham, AL	Ch. 258C, 100 kW/309 m
CC	WNNX	Atlanta, GA	Ch. 259C, 100 kW/315 m
DD	WFMH-FM	Cullman, AL	Ch. 266C, 100 k W/376 m
EE	New	Colubiana, AL (CP)	Ch. 268 A, 1.4 kW/195 m

Figure 2
Sheet 2 of 2

ID	Call Letters	Location	Authorized Facilities
FF	WDRM	Decatur, AL	Ch. 271C1, 100 kW/299 m
GG	WELR-FM	Roanoke, AL	Ch. 272C3, 8.9 kW/166 m
HH	WQTU	Rome, GA	Ch. 272A, 1.1 kW/227 m
II	WOWC	Jasper, AL	Ch. 273C, 79 kW/639 m
JJ	WCKS	Fruithurst, AL	Ch. 274A, 1.65 kW/192 m
KK	WKXX	Attalla, AL	Ch. 275A, 1.1 kW/214 m
LL	WQEN	Gadsden, AL	Ch. 279C, 100 kW/329 m
MM	WJZF	La Grange, GA	Ch. 281C1, 60 kW/371 m
NN	WZZK-FM	Birmingham, AL	Ch. 284C, 100 kW/396 m
OO	WQSB	Albertville, AL	Ch. 286C, 100 kW/305 m
PP	WYAI	Bowden, GA (CP)	Ch. 288A, 1.55 kW/192 m
QQ	WRAX	Trussville, AL	Ch. 290A, 1.4 kW/205 m
RR	WRHY	Centre, AL	Ch. 290A, 6 kW/100 m
SS	WSTH-FM	Alexander City, AL	Ch. 291C1, 86 kW/319 m
TT	WODL	Birmingham, AL	Ch. 295C, 100 kW/351 m
UU	WENN-FM	Birmingham, AL	Ch. 299C, 100 kW/377 m
VV	WZLM	Dadeville, AL	Ch. 247A, 3 kW/100 m
WW	WTBJ	Oxford, AL	Ch. 217A, 0.17 kW/481 m
XX	WLJX	Jacksonville, AL	Ch. 220A, 3 kW/44 m
YY	WJCK	Piedmont, AL	Ch. 202C3, 2.7 kW/305 m DA (CP)
ZZ	WGRW	Anniston, AL	Ch. 214A, 3 kW/100 m DA (CP)
A1	WZLM	Dadeville, AL	Ch. 247A, 1 kW/171 m (CP)
B1	WELL	Dadeville, AL	Ch. 204C1, 100 kW/93 m DA
G1	WBRT	Carrollton, GA	Ch. 221A, 0.58 kW/194 m
C1	WTBB	Gadsden, AL	Ch. 210C3, 8.9 kW/150 m (CP)
D1	WSGN	Gadsden, AL	Ch. 218C3, 6.3 kW/159 m DA (CP)
E1	WJCK	Cedartown, GA	Ch. 202A, 6 kW/100 m DA
F1	WJSP	Warm Springs, GA	Ch. 201C, 100 kW/305 m

II. AM Stations - 0.5 mV/m Contour - Class A; Nighttime Interference Free (Class B/C)

Call Letters	Location	Authorized Facilities
WSB	Atlanta, GA	750 kHz, 50 kW, ND (Class A)
WANA	Anniston, AL	1490 kHz, 1 kW, ND
WHMA	Anniston, AL	1390 kHz, 1 kW, DA-N
WNSI	Jacksonville, AL	810 kHz, 0.5 kW, DA
WAAX	Gadsden, AL	570 kHz, 0.5 kW, DA

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AVAILABLE RECEPTION SERVICES WITHIN LOSS AREA WITH CONSIDERATION GIVEN
TO THE AREAS AND POPULATIONS WHICH WILL BE SEPARATELY SERVED BY
CHANNEL 261C3 AT ANNISTON AND 264A AT ASHLAND

Area	No. of Aural Services	Within 1 mV/m Contour		
		Population (1990)	% of Total	Area (km ²)
Loss Area	1	34	0.005	10
	2	5,302	0.805	686
	3	15,255	2.315	1,060
	4	24,219	3.676	2,116
	5 or more	614,110	93.199	14,274
	TOTAL	658,920	100	18,146

CERTIFICATE OF SERVICE

I, Lisa M. Balzer, do hereby certify that on this 31st day of August, 1998, I have hand delivered or mailed the foregoing "COMMENTS" to the following:

* Mr. John Karousos
Chief, Allocations Branch
Federal Communications Commission
Mass Media Bureau
2000 M Street, NW
Room 554
Washington, DC 20554

* Ms. Leslie K. Shapiro
Allocations Branch
Federal Communications Commission
Mass Media Bureau
2000 M Street, NW
Room 564
Washington, DC 20554

Timothy E. Welch, Esq.
Hill & Welch
1330 New Hampshire Avenue, NW
Suite 113
Washington, DC 20036
(Counsel to Preston W. Small)

* Hand Delivered


Lisa M. Balzer